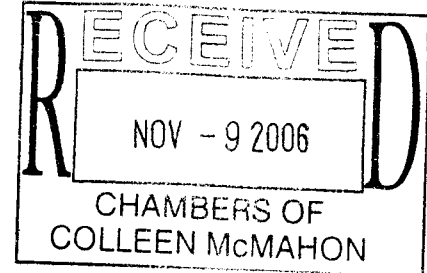


BINGHAM McCUTCHEN

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November 8, 2006

NEMO ENDORSED

BY FEDERAL EXPRESS

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Hon. Colleen McMahon
United States Courthouse
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**Re: In re: Bayou Hedge Fund Litigation
06 MDL 1755 (CM)
South Cherry Street LLC v. Hennessee Group LLC,
Elizabeth Lee Hennessee and Charles A. Gradante
06 CV 2943 (LS)**

11/14/06
Please feel free
to file a
response if
you think
it necessary
[Signature]

Dear Judge McMahon:

We represent plaintiff South Cherry Street LLC in the above-entitled action against Hennessee Group LLC and its two principals, Elizabeth Lee Hennessee and Charles A. Gradante.

I write in response to the November 7, 2006, letter of Matthew Plant, Esq., one of defendants' attorneys, regarding the timing of his Objections, and to raise one other issue.

Although Your Honor's initial decision did not invite further briefing, we have no objection to allowing defendants Objections to be filed on November 6.

The fact that defendants have chosen to make this filing, however, raises the question of whether we are entitled to respond. On that point, F.R.C.P. 72 is somewhat murky. It seems clear that if the pending motion to stay pending arbitration is deemed "dispositive," we are entitled to a response under Rule 72(b). If it is not, Rule 72(a) does not on its face give us the same right. Because the motion to stay the action pending arbitration is in some ways dispositive (at least as to the court proceeding) and other ways not (an arbitration, of course, would proceed), it is difficult to tell whether Your Honor believes us entitled to respond to the pending Objections.

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Hon. Colleen McMahon
November 8, 2006
Page 2

Accordingly, I write to respectfully seek the Court's guidance on this question. If Your Honor pleases, I would propose to respond by letter that would not exceed five pages. I have spoken to Mr. Plant about this application, and he advises that he does not object. If Your Honor approves this application, please "So Order" this letter below.

Bingham McCutchen LLP
bingham.com

I appreciate Your Honor's attention to this application.

Sincerely,



Ted Poretz

cc: Matthew Plant, Esq. (by fax and mail)